

**NOT FOR PUBLICATION**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ZEV AND LINDA WACHTEL, *et al.*,

Plaintiffs

V.

HEALTH NET, INC., HEALTH NET  
OF THE NORTHEAST, INC., and  
HEALTH NET OF NEW JERSEY, INC.

Defendants.

Civ. Docket No. 01-4183  
Hon. Faith S. Hochberg, U.S.D.J.

RENEE MCCOY, individually and on behalf of all others similarly situated,

Plaintiffs

V.

HEALTH NET, INC., HEALTH NET  
OF THE NORTHEAST, INC., and  
HEALTH NET OF NEW JERSEY, INC.

Defendants.

Civ. Docket No. 03-1801  
Hon. Faith S. Hochberg, U.S.D.J.

## ORDER

Date: April 27, 2007

**HOCHBERG, District Judge:**

This matter coming before this Court upon the Court's December 6, 2006 Opinion and Order and Plaintiffs' counsel's December 18, 2006 and January 9, 2007 Fee Applications; and

it appearing that Sills Cummis Epstein & Gross's ("Sills Cummis") December 18, 2006 Fee Application requested \$4,136,531.50 in attorney's fees and \$92,549.90 in expenses for the time period July 19, 2005 to November 30, 2006; and

it appearing that Sills Cummis's January 9, 2007 submission revised its previous December 18, 2006 fee request for time worked between July 19, 2005 to November 30, 2006 by deleting 3.4 hours by Stuart Feinblatt, 1 hour by Barbara Quackenbos, and 3.9 hours by Shannon Bishop (a total of \$2,942.5 in attorney's fees) from its December 18, 2006 request, *see* January 9, 2007 Barbara Quackenbos Affirmation at ¶18; and

it appearing that Sills Cummis states that the revised requested amount for attorneys' fees for the time period July 19, 2005 to November 30, 2006 is \$4,138,631.50, *see* January 9, 2007 Barbara Quackenbos Affirmation at ¶18, which is *larger*, not smaller, than the previous fee request;<sup>1</sup> and

it appearing that the sum of the expenses documented in Sills Cummis's December 18, 2006 submission, for the time period July 19, 2005 to November 30, 2006, is \$92,549.90; that the sum of the expenses documented in Sills Cummis's January 9, 2007 submission, for the time period prior to July 19, 2005, is \$65,549.47; and that the total sum of Sills Cummis's expenses is therefore \$158,099.37; and

it appearing that Sills Cummis states that its total expenses are \$151,385.79, *see* Barbara Quackenbos's January 9, 2007 Affirmation at ¶20; and

it appearing that Plaintiffs' counsel Pomerantz Haudek Block Grossman & Gross does not apportion its attorney's fees between the *McCoy* and *Wachtel* case for time spent before July 23, 2003, which is the date that the Court consolidated the two cases for pre-trial purposes; and

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<sup>1</sup> Sills Cummis's "McCoy Fee Summary" for the time period July 19, 2005 to November 30, 2006, attached as an Exhibit to its January 9, 2007 Fee Application, adds 14 hours of time to Justine Gilles' hours instead of deleting 3.4 hours by Stuart Feinblatt, 1 hour by Barbara Quackenbos, and 3.9 hours by Shannon Bishop.

it appearing that Plaintiffs' counsel Pomerantz Haudek Block Grossman & Gross's expense reimbursement request states "Depositions and Transcripts, \$19,030.06" without identifying the specific expenses and dates;

**IT IS** on this 27<sup>th</sup> day of April, 2007,

**ORDERED** that Plaintiffs' counsel Sills Cummis shall **by May 4, 2007** in no more than 2 pages (1) clarify the arithmetic calculations in its attorney's fees request for the time period between July 19, 2005 to November 30, 2006 and its total expense request; and (2) specify the number of hours spent by each attorney listed in its fee application for work on the "word-searchability of e-mails and attachments," identifying the attorney, the date, and the number of hours worked; and it is

**ORDERED** that Plaintiffs' counsel Pomerantz Haudek Block Grossman & Gross shall **by May 4, 2007** (1) submit a 2-page submission apportioning its hours worked between the *McCoy* and *Wachtel* case for the time period prior to July 23, 2003; and (2) provide a short list identifying the specific expenses and dates of those expenses that comprise its \$19,030.06 expense request.

/s/ Faith S. Hochberg  
Hon. Faith S. Hochberg, U.S.D.J.